

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision: 28.04.2016

1. CWP No.20474 of 2014 (O&M)

Tek Chand SharmaPetitioner

Vs.

State of Haryana and othersRespondents

2. CWP No.16895 of 2015 (O&M)

Ram Kumar and othersPetitioners

Vs.

State of Haryana and othersRespondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Tek Chand Sharma, petitioner in person in
CWP No.20474 of 2014 and respondent No.4 in
CWP No.16895 of 2015.

Mr. Ashok Kaushik, Advocate for the petitioners
in CWP No.16895 of 2015 and for respondents
No.8 to 15 in CWP No.20474 of 2014.

Mr. P.P. Chahar, Deputy Advocate General, Haryana.

RAKESH KUMAR JAIN, J.(Oral)

This order shall dispose of two petitions bearing CWP
No.20474 of 2014 – Tek Chand Sharma v. State of Haryana and others. and
CWP No.16895 of 2015 – Ram Kumar and others v. State of Haryana and
others.

The first petition is filed by the petitioner wherein he has
prayed for a direction to respondent No.1 to provide police protection and

further to direct respondent No.2 not to give threat to implicate the petitioner in a false case. In this petition, the petitioner had earlier filed a civil suit for permanent injunction against his brothers and others along with an application for temporary injunction filed under Order 39 Rules 1 and 2 of the Code of Civil Procedure (for short, 'the CPC') alleging that the defendants therein are obstructing his rasta survey No.395 Khasra No.81/19/22 which is adjacent to the land of the petitioner survey No.81/7, 8/1, 13, 14, 15, 16 which has been deliberately blocked by the defendants and were not allowing him to pass through it. The said application for temporary injunction was allowed in favour of the petitioner by the ACJ (SD) Hodal on 5.5.2014 restraining the defendants from doing any agricultural activities using rasta in dispute bearing Survey No.395 and from causing any interference in the use of the rasta of the petitioner or public at large till the final decision of the suit. The suit is still pending. The petitioner has also filed another civil suit besides an application for partition before the revenue authorities for partitioning the agricultural land to the extent of his share. The petitioner was allegedly beaten by his brothers and some unknown persons on 7.8.2014 for which he had registered FIR No.130 dated 7.8.2014 at Police Station Hasanpur under Sections 323/427/506 and FIR No.131 dated 9.8.2014 at Police Station Hasanpur under Sections 148/149/323/324/ 427/506 IPC. A kalendra was also filed under Section 107/150 Cr.P.C because of the breach of tranquility on account of differences between the brothers. Ultimately, the petitioner who is now residing at Delhi and is allegedly not having good terms with his brothers, filed this petition for seeking protection of the Court, exercising

his fundamental right guaranteed under Article 21 of the Constitution of India. He had also filed CWP No.349 of 2014 which was disposed of by this Court on 14.1.2014. Since the said order was not allegedly complied with by the respondents, therefore, the petitioner filed COCP No.901 of 2015 in which the following order was passed by this Court on 31.7.2015 which reads as under:-

“The petitioner who is appearing in person has submitted that he has threat to his life and liberty at the hands of his brothers, namely, Ram Babu, Raghunandan, Sant Ram and Ram Kumar and their children who are having the blessings of the village Sarpanch Rajesh Sharma. As a result, during his visits to his village, he is being harassed both physically and mentally by them. It is further submitted that he is not even in a position to cultivate his land which is lying fallow. He has prayed that adequate police protection be provided to him so that he can visit his village muchless his land for making arrangements for the cultivation.

Learned State counsel has submitted that as and when petitioner would inform them about his impending visit to his village, agricultural land and for repairing water irrigation pipeline, police protection would be provided to him.

The petitioner submits that he intends to visit his village on 7th and 8th August, 2015.

In view thereof, respondent No.1 is directed to provide both male and female constables with arms to protect the life

and liberty of the petitioner. The petitioner shall inform the time of his reaching the border of his village Khambi, Tehsil Hodal, District Palwal to Superintendent of Police, Palwal.

Adjourned to 07.09.2015.

A copy of this order be given to the petitioner and learned counsel for the respondents under the signatures of Special Secretary of this Court.”

Pursuant to that order, the respondents passed the orders dated 1.5.2015 and 4.8.2015, which read as under:-

“With regard to above stated subject applicant Tekchand Sharma alias Tikaram resident of Khambi filed an application in this office that the accused (second party) broke the pipe line in his land khewat no.81 (17-0) and (24-0) and all his agricultural land has been affected, due to which, he is not able to sow crop in his fields.

Therefore, in view of application dated 01.05.2015 of Tekchand alias Tikaram resident of Khambi, Duty Magistrate and Police force along with lady police force may kindly be provided so that pipe line of applicant can be repaired without any disturbance at the spot because there is apprehension that fight may take place between both the parties.”

“With regard to above stated subject, in compliance with orders dated 12.10.2014 and dated 31.07.2015 of Hon'ble Punjab and Haryana High Court, vide which, directions have been issued to ensure compliance of order dated 05.05.2014

passed by the Hon'ble Court of Shri Vikas Gupta A.C.J. (Senior Division), it is written to ensure that proceedings of demarcation and source of irrigation of land of Tekchand alias Tikaram son of Sh. Net Ram situated at village Khambi, which as per revenue record is his personal property, be conducted in presence of applicant Tek Chand. All the above stated proceedings be videographed. In compliance of above stated order if police assistance and Duty Magistrate is required to maintain law and order then written request may be submitted in this office.”

The aforesaid two orders are now being challenged in writ petition No.16895 of 2015 (second petition filed by Ram Kumar and others, who are elder brothers of the petitioner). Shri Kaushik, Advocate who is appearing in the second petition has submitted that he is not claiming any relief in the second petition which may be read as a reply to the first petition filed by the petitioner.

Counsel for the State has submitted that the petitioner has been provided adequate security as ordered by this Court in COCP No.901 of 2015. However, the petitioner has submitted that the said security is not given.

Be that as it may. Insofar as the present petition is concerned, it is disposed of with a direction to the Director General of Police, Haryana to look into the grievance of the petitioner and provide him adequate police protection as and when he intends to visit his land. It is made clear that since the petitioner is facing the ire of the ladies of the family also,

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therefore, the authority shall provide lady constable also. The needful shall be done as and when the petitioner applies to the Commissioner of Police, Faridabad for the purpose of seeking protection. With these directions, the present petition, i.e. CWP No.20474 of 2014 is hereby disposed of and the second petition i.e. CWP No.16895 of 2015 is dismissed as not pressed.

**April 28, 2016
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**(RAKESH KUMAR JAIN)
JUDGE**